

CAIRNS CITY COUNCIL

MINUTES

PLANNING & ENVIRONMENT COMMITTEE

8 JULY 2004

COMMENCING AT 5.30 PM

PRESENT: Councillor A Blake
Councillor S Bonneau
Councillor K Byrne (Chairperson)
Councillor M Cochrane
Councillor M Gill
Councillor P Gregory
Councillor T James
Councillor F Lindsay
Councillor J Pezzutti
Councillor K Plath
Councillor A Sheppard

APOLOGY: Councillor D Ford
Councillor P Freebody

OFFICERS:

D Farmer	Chief Executive Officer
P Tabulo	General Manager City Development
J Scarini	General Manager Corporate Services
S Burke	A/General Manager City Works & Services
N Huddy	Manager City Assessment
L Phipps	Manager Environmental Assessment
A Searle	A/Manager Legal & Administration
G Schofield	Manager Media & Public Relations
S Shearer	Secretary

APOLOGY

Council Notes the apology of Councillor Ford and Councillor Freebody and in accordance with Section 252 (1) (b) of the Local Government Act, Council grants leave of absence.

1. **SIGNAGE APPLICATION - DOUBLE SIDED FREESTANDING OFF-SITE ADVERTISEMENT - LOT 7 ON RP749485 - EASTERN SIDE OF BRUCE HIGHWAY 100 METRES NORTH OF WAUGHS POCKET ROAD INTERSECTION - WAUGHS POCKET** **1**
J Wright : 8/1/1: #811898

GREGORY / LINDSAY

That Council refuse the application to exhibit a double sided freestanding off site advertisement, in accordance with Schedule 5, Residential / Rural Environment of Local Law Policy No.6 (Control of Advertising) whereby off-site advertisements are prohibited.

carried

2. **ROADSIDE VENDING RENEWAL APPLICATION - CAPTAIN COOK HIGHWAY - APPROXIMATELY 650 METRES NORTH OF WHITFIELD STREET, AEROGLEN - DIVISION 10** **5**
Julie Wright : 18/25/1-04 : #812494

COCHRANE / BLAKE

That Council approve the renewal application to conduct Roadside Vending at a location 650 metres north of Whitfield Street, Aeroglen subject to the following conditions:-

1. This approval is for the sale of pies and pastries, salad rolls and soft drinks only from the subject location.
2. The vehicle used in the operation of Roadside Vending activities shall be parked and shall remain at all times in the position as indicated on the approved site plan. Appendix 1 to be known as the approved site plan.
3. This permit allows for Roadside Vending activities to be conducted between the hours of 7.30am – 3.30pm.

4. The enclosed Roadside Vending Certificate is to be displayed at all times whilst the subject activity is being conducted.
5. A copy of the approval conditions and approved site plan shall be kept on site at all times and shall be produced to an Authorised Council Officer upon request.
6. Advertising material is to be limited to one A-Frame sign (900mm high x 600mm wide) only. Illuminated signage and amplified advertising devices are not permitted at the Roadside Vending site.
7. Details of any amendments to the approved plan including a change of vehicle shall be submitted for the approval of Council.
8. All permitted Roadside Vending activities must be consistent with the Regulation and Standards of the Workplace Health & Safety Act.
9. The Roadside Vending activity must not have any adverse effect on the existing vegetation and landscaping of the area or the environment.
10. The Roadside Vending activity must not cause a nuisance to any person or a danger to any person or property.
11. The holder of this approval must provide and maintain sufficient receptacles for refuse and thoroughly clean and remove all material associated with the Roadside Vending activity at the conclusion of business each day.
12. No structures are to be erected at the vending site.
13. Appropriate arrangements for toilet arrangements, as agreed, are to be in place at all times.
14.
 - a. A Public Liability Insurance Policy for the subject premises to the value of ten million dollars (\$10,000,000-00) shall be kept in force for the whole of the period that the permit covers, and shall include the Cairns City Council, the Minister Administering the Land Act 1994 and the State of Queensland as interested parties.
 - b. Please note that the Insurance Policy for the approval expires on 3rd October 2004.
15. Council reserves the right to amend any conditions of this permit, subject to notification to the permit holder, at any such time it is deemed necessary.
16. This permit is at Councils' discretion and may be revoked at any time either partially or fully.

17. A deposit of \$1,000-00 is paid to Council prior to the commencement of any Roadside Vending activity being security for performance relating to any requirements under Local Law No.22.
18. The completion and submission of the attached Ancillary Works and Encroachment Form to the Department of Main Roads North Queensland Region to validate this permit.
19. The operator accepts the attached conditions set out by the Department of Main Roads to validate this permit.
20. This approval expires on 30th June 2005.

carried

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| 3. COMPENSATION CLAIMS & APPEALS - JUNE 2004 | 10 |
| Nikki Huddy: 1/59/2-01 : #536015 V23 | |

BLAKE / GILL

That the report on the Compensation Claims & Appeals for June 2004 be received and noted.

carried

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| 4. CITY DEVELOPMENT - JUNE 2004 MONTHLY REPORT | 18 |
| Peter Tabulo : SDS : 1/3/83 #658824V12 | |

SHEPPARD / COCHRANE

That the report on City Development for the month of June 2004 be received and noted.

carried

5. RESPONSE TO DEPARTMENT OF TOURISM, FAIR TRADING AND WINE INDUSTRY DEVELOPMENT - LIQUOR LICENSING DIVISION - NEW APPLICATION AND APPLICATION FOR A VARIATION OF LIQUOR LICENCE **50**

Rohan Lee: 8/20/3-04: #809623

BONNEAU / BLAKE

That the applicant and the Liquor Licensing Division be advised for the following comments:

1. Please Shop For Me, Clifton Beach

Council has no objections to the proposed Limited Liquor Licence for Please Shop for Me, located at 57 Upolu Esplanade and described as Lot 29 on RP715465, Parish of Smithfield.

2. Hollywood Beachhouse, Cairns City

Council objects to the proposed Variation of Licence for The Hollywood Beachhouse Pty Ltd, located at 237-241 Sheridan Street, Cairns North and described as Lot 13 on RP885284, Parish of Cairns.

Council does not support the proposal for Variation of Licence on the grounds that 'the amenity, quiet or order the locality concerned would be lessened in some way'. The facts evidence or reasons for objections are as follows: -

- a. Given that is a Residential Liquor Licence, further assessment of possible impacts on surrounding uses and activities would be required, including consultation with adjacent premises/operators.**
- b. That whilst the premises operates within the bounds set by the acoustic report by MGF Consultants (NQ) Pty Ltd dated 14 November 2002, Council is willing to support licence conditions that allow increased noise from entertainment, music or related activities on Saturdays and Sundays between the hours of 4pm to 8pm.**

- c. The latest amendment represents a 225% increase in the current time amplified entertainment allowed by the current licence conditions. Since January 2003, Council has held concerns that the increased noise from entertainment, music or related activities would have a detrimental effect on the accommodation premises in the neighbourhood. The latest amendment to licence conditions is considered excessive and is not supported by Council due to the premises location to many accommodation places in the neighbourhood.

carried

6. NEGOTIATED DECISION - RECONFIGURING A LOT (1 LOT INTO 2 LOTS) - 61-65 FRETWELL ROAD, WHITE ROCK - DIVISION 3
63

Kym Watton: 8/13/731-01 : #811150

PEZZUTTI / LINDSAY

That Council issue a Negotiated Decision with respect of Development Approval 8/13/731 to Reconfigure 1 lot into 2 lots located at 61-65 Fretwell Road, White Rock subject to the following:

- 1. Condition 8 be amended to read as follows:**

The applicant/owner must construct a concrete, bitumen or other approved surface driveway to battleaxe Lot 102 extending the full length of the access leg of allotment and such driveway shall commence at the adjacent kerb and channel with a standard crossover in accordance with Council Standard Drawing S1015. The construction of the concrete driveway shall be in accordance with Council Standard Drawing S1110.

- 2. In all other regards, the conditions and advice contained in Development Permit 8/13/731 decided by Council on 13 May 2004 remain unchanged.**
- 3. That the bitumen driveway must be kept in good condition by the land owner at all times.**

carried

- 7. RECONSIDER LAPSED APPROVAL - RECONFIGURING A LOT (1 LOT INTO 2 LOTS) - LOT 4 MAITLAND ROAD, GORDONVALE - DIVISION 1** **67**
Llew Beaton: 8/13/432-01 : #808112

GREGORY / LINDSAY

That Council approve the application for the reconfiguration of land described as Lot 4 on RP744420, Parish of Grafton, County of Nares, situated at Maitland Road, Gordonvale, into two (2) lots, subject to the following conditions:-

Assessment Manager Conditions

- 1. The proposed Plan of Reconfiguration (SP134304) attached to the application is approved subject to any alterations:-**
 - a. Found necessary by the Chief Executive Officer at the time of examination of the Engineering Plans or during construction of the development because of particular engineering requirements; and**
 - b. To ensure that the reconfiguration complies in all respects with the requirements of Council's Development Manual and good engineering practice.**
 - c. To ensure compliance with the following conditions of approval.**

Except where modified by these conditions of approval.

Timing of Effect

- 2. The conditions of the Development Permit must be effected prior to approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.**

Water Supply Contributions

- 3. The applicant is to contribute in accordance with Council's policy provided for as per Section 6.2 of the Local Government (Planning and Environment) Act towards the provisions of water supply headworks. The contributions to be paid are the rates applicable at the time of payment. On the present method of calculation, the estimated headworks contributions shall be \$7788.43 for water (2.24EDC). The contributions shall be paid prior to the dating and signing of the survey plan by Council.**

Drainage Contributions

- 4. The applicant/owner must contribute towards the improvement of stormwater quality in accordance with the Draft Trunk Infrastructure Contribution Policy.**

The contribution rate is that which is current at the time of payment. The current rate of contribution is \$1160.41 (\$2,950.00 / Ha). Payment is required prior to approval and dating of the Plan of Survey.

Water Supply Works

- 5. The applicant/owner must carry out water supply works external to the development to connect the subject land to Council's existing water supply headworks at a point where sufficient capacity exists to service the subject land, all to the requirements and satisfaction of the Chief Executive Officer.**

On-Site Sewerage

- 6. The applicant is to provide verification from a registered surveyor that the on-site sewerage facility associated with the dwelling on proposed Lot 4 is contained wholly within Lot 4 and that the on-site sewerage facility associated with the dwelling on proposed Lot 41 is contained wholly within Lot 41 and that the locations of both on-site sewerage facilities comply with the setback distances as outlined in the Interim Code of Practice for On-site Sewerage Facilities. The on-site sewerage facilities may have to be relocated and the area filled and compacted to comply with the setback distances.**

Lawful Point of Discharge

- 7. The applicant/owner must ensure that the flow of all external stormwater from Lot 4 and Lot 41 is directed to a lawful point of discharge being Maitland Road such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.**

Electricity and Telecommunications

- 8. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunication authorities that services will be provided to the development. Such evidence to be provided prior to the approval and dating of the Plan of Survey.**

General External Works

9. The applicant/owner must at its own cost undertake the following works external to the subject land:-
 - a. provide crossover and concrete access slab to both allotments in accordance with Council standards required for a low density residential lot; and
 - b. provide a concrete driveway extending the full length of the access leg of the rear battle-axe allotment. Construction of the driveway shall be in accordance with Council Drawing No. S1110. The work must be completed prior to approval and dating of the Plan of Survey.

Existing Services

10. The applicant/owner shall provide separate services to both allotments (water supply, electricity, telephone). The applicant is to provide verification from a registered surveyor that confirms that the existing services to the rear lot are contained within the rear lot. In any instance where the existing services are not contained within the rear lot, the applicant shall either:-
 - a. relocate the services to comply with this requirement; or
 - b. arrange the registration of the necessary easement(s) over the services which are located within another lot prior to or in conjunction with the submission of the Plan of Survey creating the lot. The easement shall be created at the time of submission of the Plan of Survey to the Department of Natural Resources and Mines for registration.

Access to Hatchet or Battleaxe Lots

11. The applicant/owner must construct a concrete or other approved surface driveway to battleaxe Lot 4 extending the full length of the access leg of the allotment. The construction of the driveway shall be in accordance with Council's Development Manual and must be complete prior to the approval and dating of the Plan of Survey.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act, shall cease and determine two (2) years from the date of this decision if these conditions and the Council's Local Laws and regulations have not been fully complied with and a survey plan submitted for Council endorsement.

2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.
3. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

8. RECONFIGURING A LOT (2 LOTS INTO 3 LOTS) - STAGER ROAD,
MIRIWINNI - DIVISION 1 74
Darren Johnson/Kym Watton: 8/13/802-01: #803072

GREGORY / PEZZUTTI

That Council approve the application to reconfigure land described as Lot 35 on N157524 and Lot 33 on NR3505, Parish of Bellenden Ker, located at Lot 70 Stager Road, Miriwinni into (3) lots subject to the following conditions: -

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No 9106 dated 29 April 2004 and prepared by T. J. Stewart, is approved subject to any alterations: -
 - a. Found necessary by the Chief Executive Officer at the time of examination of the Engineering Plans or during construction of the development because of particular engineering requirements;
 - b. To ensure that the reconfiguration complies in all respects with the requirements of Council's Development Manual and good engineering practice; and
 - c. To ensure compliance with the conditions of approval.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the approval and dating of the Survey Plan, except where specified otherwise in these conditions of approval.

Water Supply Contributions

- 3. The applicant/owner must contribute in accordance with Council's policy provided for as per Section 6.2 of the *Local Government (Planning and Environment) Act 1990* towards the provision of water supply headworks.**

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are \$7,095.80(1.30EDCs) for water.

Payment is required prior to the approval and dating of the Plan of Survey.

Water Supply Works

- 4. The applicant/owner must carry out water supply works to connect the subject land to Council's existing water supply headworks at a point determined by the Chief Executive Officer.**

Three (3) copies of a plan of the works must be submitted to and endorsed by the Chief Executive Officer. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of Cairns Water and the Chief Executive Officer prior to the commencement of the use.

On-Site Sewerage Disposal

- 5. The applicant/owner must demonstrate how the development complies with the DNRM On-site Sewerage Code (July 2002). On-site sewerage disposal 'envelopes' must be provided on a plan of the development, showing how each allotment can physically provide the necessary area(s) and comply with the required setbacks, etc. for on-site disposal of sewerage. On-site sewerage disposal must occur within any proposed building envelopes.**

The plan must be accompanied by a report, inclusive of supporting calculations and site investigations, for each site in a format to the satisfaction of the Chief Executive Officer, specifying those methods of on-site sewerage disposal applicable for those allotments and providing a recommended method and location of facilities. The plan and report must be received and endorsed by the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

Lawful Point of Discharge

6. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Electricity and Telecommunications

7. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities that services will be provided to the development. Such evidence to be provided prior to the approval and dating of the Plan of Survey.

Access

8. Practical access to Lot 1 and Lot 2 must be provided from Cope Road to the satisfaction of the Chief Executive Officer.

Existing Services

9. The applicant is to provide written confirmation of the location of the existing services for the subject land. In any instance where the existing services are contained within another lot, then the applicant shall either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange the registration of the necessary easements over the services which are located within another lot prior to or in conjunction with the submission of the plan of Survey creating the Lot.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.

3. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

9. **RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) – RAMSEY CLOSE, KEWARRA BEACH – DIVISION 12** 81
 Gary Warner: 8/13/808-01 : #803546

SHEPPARD / BONNEAU

- A. That Council approve the reconfiguring a lot application (one lot into two lots) for land described as Lot 39 on RP746005, Parish of Cairns, located at Ramsey Close, Kewarra Beach, subject to the following conditions:-

Assessment Manager Conditions

1. The proposed Plan of Survey No. 2004-1, prepared by J Breen, dated 9/05/04 is approved subject to any alterations:-
 - a. Found necessary by the Chief Executive Officer at the time of examination of the Engineering Plans or during construction of the development because of particular engineering requirements;
 - b. To ensure that the reconfiguration complies in all respects with the requirements of Council's Development Manual and good engineering practice; and
 - c. To ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the approval and dating of the Survey Plan, except where specified otherwise in these conditions of approval.

Water Supply Contributions

3. The applicant/owner must contribute in accordance with Council's policy provided for as per Section 6.2 of the *Local Government (Planning and Environment) Act 1990* towards the provision of water supply headworks.

The contribution must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contribution is \$2,477.37 (1.30 EDC) for water.

Payment is required prior to approval and dating of the Plan of Survey.

Drainage Contributions

4. The applicant/owner must contribute towards the improvement of stormwater quality in accordance with the Draft Trunk Infrastructure Contribution Policy.

The contribution rate is that which is current at the time of payment. The current rate of contribution is \$2,708.10 (Relative Impermeability Factor x \$2,950.00/Equivalent Hectare).

Payment is required prior to the approval and dating of the Plan of Survey.

Water Supply Works External

5. The applicant/owner must carry out water supply works external to the development to connect each Lot on the subject land to Council's existing water supply headworks at a point where sufficient capacity exists to service the subject land, all to the requirements and satisfaction of the Chief Executive Officer.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to commencing works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of Cairns Water and the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

On-Site Sewerage Disposal

6. The applicant/owner must provide a plan showing an on-site sewerage disposal 'envelope' for proposed Lot 139. This envelope must be capable of accommodating effluent from an advanced secondary treatment form of effluent disposal. The plan showing the disposal 'envelope' must show how the envelope can meet the necessary area(s) and comply with the required setbacks, etc. for advanced secondary on-site disposal of sewerage. On-site sewerage disposal must occur within the proposed disposal envelope.

The plan must be cross-referenced to the relevant parts of the “onsite sewerage assessment (Revision No.1)” prepared by Ganza Consulting Services and dated 17/05/2004. The plan and report must be received and endorsed by the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Lawful Point of Discharge

7. The applicant/owner must ensure that the flow of all external stormwater from Lots 39 and 139 is directed to a lawful point of discharge being Ramsey Close (or other approved outlet) such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Electricity and Telecommunications

8. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities that services will be provided to the development. Such evidence to be provided prior to the approval and dating of the Plan of Survey

Access to Hatchet or Battleaxe Lots

9. The applicant/owner must construct a concrete driveway in the battleaxe Lot 39 extending the full length of the access leg of the allotment and such driveway shall commence at the edge of seal of Ramsey Close with a standard sealed crossover in accordance with Council Standard Drawing S1105. The construction of the concrete driveway within the access leg shall be in accordance with Council Standard Drawing S1110.
10. The applicant must its own cost divert the existing access driveway so that it serves Lot 139 only.

Existing Services

11. The applicant is to provide written confirmation of the location of the existing services for the subject land. In any instance where the existing services are contained within another lot, then the applicant shall either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange the registration of the necessary easements over the services, which are located within another lot prior to or in conjunction with the submission of the Plan of Survey creating the lot.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act, shall cease and determine two (2) years from the date of this decision if these conditions and the Council's Local Laws and regulations have not been fully complied with and a plan of survey submitted for Council approval and dating.
 2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan are adopted.
 3. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning is received and that the relevant emergency telephone contacts are provided to Council Officers, prior to the commencement of works.
- B. That Council, in accordance with Section 2.2.2 of Part E within the Planning Scheme for the Balance of the City of Cairns resolves to reduce the minimum widths of proposed Lots 39 and 139 for land contained within the Low Density Residential zone in this instance.
- C. That the following notation be placed on Council's future rates record in respect of proposed Lot 139:-
- "The owner(s) of this property will be required to adopt the recommendations for "advanced secondary" on-site effluent disposal as detailed within the hydraulics report prepared by Ganza Consulting held by Council for Development permit 8/13/808."

carried

10. RECONFIGURING A LOT (1 LOT INTO 2 LOTS) - LOT 17
 PANGUNA STREET, TRINITY BEACH - DIVISION 12 90
 Rohan Lee: 8/13/775-01: #775651

SHEPPARD / BONNEAU

- A. That Council approve the application to reconfigure land (1 lot into 2 lots) described as Lot 17 on RP728029, Parish of Smithfield, located at Lot 17 Panguna Street, Trinity Beach subject to the following conditions:

Assessment Manager Conditions

1. That proposed Plan of Development Drawing No 6370NOR-01, dated 30 May 2003 and prepared by Charles O'Neill Pty Ltd, Cairns, is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plan or during the construction of the development because of particular engineering requirements;
 - b. To ensure the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and
 - c. To ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Water Supply Contributions

3. The applicant/owner must contribute in accordance with Council's policy provided for as per Section 6.2 of the *Local Government (Planning and Environment) Act 1990* towards the provision of water supply headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are \$4,529.25 (1.3 EDCs) for water.

Payment is required prior to the approval and dating of the Plan of Survey.

Drainage Contributions

4. The applicant/owner must contribute towards the improvement of stormwater quality in accordance with the Draft Trunk Infrastructure Contributions Policy.

The contributions rate is that which is current at the time of payment. The current rate of contributions is \$1,361.72 (0.4616 ECA x \$2,950.00) for Water Quality. Payment is required prior to the approval and dating of the Plan of Survey.

Water Supply Works

5. The applicant/owner must carry out water supply works to connect the subject land to Council's existing water supply and sewerage headworks at a point determined by the Chief Executive Officer.

Three (3) copies of a plan of the works must be submitted to and endorsed by the Chief Executive Officer. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of Cairns Water and the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

On-Site Sewerage Disposal

6. The applicant/owner must provide a plan showing an on-site sewerage disposal 'envelope' for proposed Lot 118. This envelope must be capable of accommodating effluent from an advanced secondary treatment form of effluent disposal. The plan showing the disposal 'envelope' must show how the envelope can meet the necessary area(s) and comply with the required setback, etc for advanced secondary on-site disposal of sewerage. On-site sewerage disposal must occur within the proposed disposal envelope.

The plan must be cross-referenced to the relevant parts of the 'On-site Sewerage Assessment (Revision No. 1)' prepared by Ganza Consulting Services and dated March 2004. The plan and report must be received and endorsed by the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Lawful Point of Discharge

7. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge, nominally being Captain Cook Highway/Panguna Street such that it does not adversely affect surrounding properties, all to the requirements and satisfaction of the Chief Executive Officer.

Electricity and Telecommunications

- 8. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunication authorities that services will be provided to the development. Such evidence to be provided prior to the approval and dating of the Plan of Survey.**

General External Works

- 9. The applicant/owner must at its own cost undertake the following works external to the subject land:**
 - a. Provision of an additional concrete crossover and apron to Lot 118 in accordance with Council Standard Drawing S1015.**

Three (3) copies of a plan of works must be submitted to Council and endorsed by the Chief Executive Officer prior to the commencement of works. Such works must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

Minimum Fill Required

- 10. All habitable floor levels in all new buildings must be located 300mm above the Q100 flood immunity level of 3.40 metres AHD or the minimum fill level of 3.40 metres AHD (whichever is greater), in accordance with the Development Manual and Planning Scheme Requirements.**

Existing Services

- 11. The applicant is to provide written confirmation of the location of the existing services for the subject land. In any instance where the existing services are contained within another lot, then the applicant shall either:**
 - a. Relocate the services to comply with this requirement; or**
 - b. Arrange the registration of the necessary easements over the services, which are located within another lot prior to or in conjunction with the submission of the Plan of Survey creating the lot.**

Access to Hatchet or Battleaxe Lots

12. The applicant/owner must construct a concrete driveway or other approved surface to battleaxe Lot 118 extending the full length of the access leg of the allotment. The construction of the driveway shall be in accordance with Council's Development Manual and must be complete prior to the approval and dating of the Plan of Survey.

Demolish Structures

13. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to the approval and dating of the Plan of Survey.

CONCURRENCE AGENCY CONDITIONS

Department of Main Roads

1. **Permitted Road Access Location**

- (i) Vehicular access between the State-controlled road (i.e. Captain Cook Highway) and the proposed Lots 117 and 118 shall be via Panguna Street, to the satisfaction of Cairns City Council.
- (ii) No direct access between the State-controlled road (i.e. Captain Cook Highway) and the subject land is permitted.

2. **Hydraulic Considerations**

To protect the existing flood immunity of the State-controlled road (i.e. Captain Cook Highway), the landowner/ applicant shall seek the approval of the Director-General of the Department of Main Roads prior to any works commencing on the subject land which may result in changes to the existing water flows, afflux levels and/ or hydraulic structures along, under or over the Captain Cook Highway.

3. **Road Traffic Noise Treatments**

- (i) **Location of Works**

Road traffic noise ameliorative works shall be incorporated into the design of all inhabitable buildings and the applicant/landowner shall have regard to the building siting and design criteria specified within AS3671.

(ii) Maximum Noise Levels and Time Horizons

The Internal noise levels within habitable buildings must not exceed the maximum noise levels specified in AS2107-2000 within 10 years of the occupation of the proposed residential building (s).

(iii) Noise Testing

The following parameters shall be used to determine the required noise amelioration works:

- Internal noise levels shall be determined in accordance with AS2107-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

(iv) Road Traffic Noise Report

The applicant/landowner shall prepare a road traffic noise report, which demonstrates how the development is to be designed to conform to the above requirements. The report shall:

- predict the road traffic noise levels,
- identify the ameliorative works required within the relevant buildings, and
- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on any new or existing habitable building on the subject land.

(v) Incorporation of Works into the Development

All noise ameliorative works required within the relevant building(s) shall be:

- incorporated into the building design(s) prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land, and
- incorporated into the building(s) prior to commencement of the approved use of the building.

(vi) Building Covenant

A covenant is required on both lots and the following requirements must be met:

- The covenants (building) shall specify that no habitable building including extensions of a habitable building is permissible without Main Roads approval;
- The covenants shall be included on the same Plan of Survey, which creates the lots that are subjected to the covenant and lodge concurrently the Plan of Survey and validly executed Covenant Form 31 referred to in the above conditions.
- Acknowledges to Main Roads that an acoustic covenant will be annexed to the REIQ contract for the relevant lots prior to execution of the Covenants Forms 31.
- Submit to Main Roads for approval a Noise Covenant Plan which shows:
 - * covenant conditions, and
 - * the type of covenant,
 prior to execution of the Covenants Forms 31.
- Submit to Main Roads a properly executed Covenant Form 31 pursuant to Land Title Act 1994, and in terms approved by the District Director covering all lots, prior to the submission of the Plan of Survey to Council for approval and dating.
- Submit to Main Roads a copy of the receipt of the Registration Confirmation Statements for the Covenants within 14 days of the receipt being forwarded to the applicant or their agents.

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
 2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.
 3. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
- B. That the following notation be placed on Council's future rates record in respect of proposed Lot 117 and Lot 118: -
- a. "The owner(s) of this property will be required to adopt the recommendations for on-site effluent disposal as detailed within the hydraulics report prepared by Ganza Consulting and Construction Pty Ltd, received by Council on 30 March 2004, (Document Reference 774145)."
 - b. "There is a Development Permit on this property which includes conditions from the Council and the Department of Main Roads. These conditions must be adhered to, if the Development Permit is activated. For further information contact Council's City Assessment Branch (Document Reference 806720)."

carried

11. RECONFIGURING A LOT (1 LOT INTO 2) - LOT 7 EVERGREEN STREET, CLIFTON BEACH - DIVISION 11 **101**
Kym Watton: 8/13/738-01 : #770808

BONNEAU / COCHRANE

- A. That Council approve the application to reconfigure land described as Lot 7 on RP736099 located at Evergreen Street, Clifton Beach into two (2) lots subject to the following conditions:-**

Assessment Manager Conditions

- 1. The proposed Plan of Development Drawing No. 31062/001 dated 2 February 2004 and prepared by Brazier Motti is approved subject to any alterations:**
 - a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;**
 - b. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and**
 - c. To ensure compliance with the following conditions of approval.**

Except where modified by these conditions of approval.

Timing of Effect

- 2. The conditions of the Development Permit must be effected prior to the approval and dating of the Survey Plan, except where specified otherwise in these conditions of approval.**

Water Supply Contributions

- 3. The applicant/owner must contribute in accordance with Council's policy provided for as per Section 6.2 of the *Local Government (Planning and Environment) Act 1990* towards the provision of water supply headworks.**

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are \$2,810.62 (1.30 EDCs) for water.

Payment is required prior to the approval and dating of the survey plan.

Drainage Contributions

4. The applicant/owner must contribute towards the augmentation of stormwater drainage services and associated services in accordance with Deadman's Gully Drainage Management Plan.

The contribution rate is that which is current at the time of payment. The current rate of contribution is \$1,524.80 (\$1,833.58 / hectare).

Payment is required prior to the approval and dating of the Plan of Survey.

5. The applicant/owner must contribute towards the improvement of stormwater quality in accordance with the Draft Trunk Infrastructure Contribution Policy.

The contribution rate is that which is current at the time of payment. The current rate of contribution is \$981.28 (Relative Impermeability Factor x \$2,950/Equivalent Hectare).

Payment is required prior to the approval and dating of the Plan of Survey.

Water Supply Works

6. The applicant/owner must carry out water supply works to connect the subject land to Council's existing water supply headworks at a point determined by the Chief Executive Officer.

Three (3) copies of a plan of the works must be submitted to and endorsed by the Chief Executive Officer. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of Cairns Water and the Chief Executive Officer prior to the commencement of the use.

Lawful Point of Discharge

7. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being Evergreen Street such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Electricity and Telecommunications

8. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities that services will be provided to the development. Such evidence to be provided prior to the approval and dating of the Plan of Survey.

Existing Services

9. The applicant is to provide written confirmation of the location of the existing services for the subject land. In any instance where the existing services are contained within another lot, then the applicant shall either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange the registration of the necessary easements over the services which are located within another lot prior to or in conjunction with the submission of the plan of Survey creating the Lot.

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.
3. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

- B. That the following notation be placed on Council's future rates record in respect of proposed Lot 1 and proposed Lot 2:-

“The owner(s) of this property will be required to adopt the recommendations for on-site effluent disposal as detailed within the hydraulics report prepared by Gilboy Hydraulic Solutions held by Council.”

carried

12. RECONFIGURING A LOT (BOUNDARY REALIGNMENT) – HARVEY CREEK ROAD, BELLENDEN KER – DIVISION 1 109
Llew Beaton: 8/13/818-01 : #811242

GREGORY / PEZZUTTI

- A. That Council approve the application to reconfigure land (boundary realignment) described as Lot 2 on RP703004 and Lot 10 on SP114065, Parish of Bellenden Ker, located at Harvey Creek Road, Bellenden Ker, subject to the following conditions:-

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No. 9107 prepared by T J Stewart is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;
 - b. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice.

ADVICE

1. This approval granted under the provisions of the *Integrated Planning Act 1997*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.

- B. That Council dispense with the minimum lot size of 40 hectares in this instance, in accordance with Part E Section 2.1.1 of the Planning Scheme for the Balance of the City of Cairns.

carried

- 13. RECONFIGURING A LOT (BOUNDARY REALIGNMENT) - 83-85 MAYERS STREET & 10-30 PEASE STREET, MANOORA - DIVISION 6** **114**
Darren Johnson/Kym Watton: 8/13/807-01: #805852

GILL / JAMES

That Council approve the application to reconfigure land (Boundary Realignment), on land described as Lot 4 on RP722864 & Lot 1 on RP742725, Parish of Cairns, located at 83-85 Mayers Street & 10-30 Pease Street, Manoora subject to the following conditions: -

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No. 04/179 and prepared by Gary T. Pozzi, is approved subject to any alterations: -
 - a. Found necessary by the Chief Executive Officer at the time of examination of the Engineering Plans or during construction of the development because of particular engineering requirements;
 - b. To ensure that the reconfiguration complies in all respects with the requirements of Council's Development Manual and good engineering practice; and
 - c. To ensure compliance with the conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior approval and dating of the Survey Plan, except where specified otherwise in these conditions of approval.

Existing Services

- 3. The applicant is to provide written confirmation of the location of the existing services for the subject land. In any instance where the existing services are contained within another lot, then the applicant shall either:**
 - a. Relocate the services to comply with this requirement; or**
 - b. Arrange the registration of the necessary easements over the services, which are located within another lot prior to or in conjunction with the submission of the Plan of Survey creating the new allotments.**

Lawful Point of Discharge

- 4. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.**

ADVICE

- 1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.**
- 2. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.**

carried

**14. RECONFIGURING A LOT (BOUNDARY REALIGNMENT) – COPE ROAD AND LOT 2 HEALY ROAD, MIRIWINNI – DIVISION 1 119
Llew Beaton: 8/13/817-01 : #811260**

GREGORY / LINDSAY

- A. That Council approve the application to reconfigure land (boundary realignment) described as Lot 85 on RP807622 and Lot 2 on SP165348, Parish of Bellenden Ker located at Healy Road, Miriwinni, subject to the following conditions:-

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No.SP168624 dated 4 February 2004 and prepared by Terence James Stewart, Licensed Surveyor, is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;
 - b. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice.

ADVICE

1. This approval granted under the provisions of the *Integrated Planning Act 1997*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
- B. That Council dispense with the minimum lot size of 40 hectares in this instance, in accordance with Part E Section 2.1.1 of the Planning Scheme for the Balance of the City of Cairns.

carried

- 15. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) HOME OCCUPATION (HAIRDRESSING SALON) - 13 WIRRAH STREET, BAYVIEW HEIGHTS - DIVISION 4 125**
Kym Watton: 8/8/584 : #810371

PEZZUTTI / PLATH

That Council approve the application for a Material Change of Use (Impact Assessment) for development of a Home Occupation (Hairdressing Salon) at 13 Wirrah Street, Bayview Heights described as Lot 243 on RP726699 in accordance with the Standard Conditions approved by Council resolution on 10 October 2002.

Assessment Manager Conditions

1. The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
 - a. The approved plan attached;
 - b. The plans, specifications, facts and circumstances as set out in the application submitted to Council; and
 - c. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice.

Except where modified by these conditions of approval.

Car Parking

2. A minimum of three (3) on-site car parking spaces must be provided (two of which may in tandem).

The parking layout must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking. except as varied with the consent of the Chief Executive Officer.

Health

3. The section of the premises intended to be used for the Hairdressing Salon must comply in full with the requirements of the *Public Health (Infection Control for Personal Appearance Services) Act 2003* and the Infection Control Guidelines.

4. The person intending to operate the Hairdressing Salon must notify Council's Public Health Unit prior to the commencement of use.

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

16. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - DUAL OCCUPANCY - 7 SIDLAW STREET, SMITHFIELD - DIVISION 10

133

Rohan Lee: 8/8/600-01: #791241

COCHRANE / BLAKE

- A. That Council approve the application for Material Change of Use (Impact Assessment) to facilitate a Dual Occupancy development on land described as Lot 99 on RP851471 located at 7 Sidlaw Street, Smithfield subject to the following conditions: -

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No. C3357-2A, C3357-2A, C3357-3A and C3357-4A, dated 5 May 2004, prepared by Glenwood Homes Pty Ltd, Cairns and received by Council on 27 May 2004, is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plan or during the construction of the development because of particular engineering requirements;
 - b. To ensure the development complies in all respects with the requirements of the Council's Planning Scheme, Development Manual and good engineering practice; and
 - c. To ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the Development Permit for Building Work, except where specified otherwise in these conditions of approval.

Water Supply and Sewerage Contributions

3. The applicant/owner must contribute in accordance with Council's policy provided for as per Section 6.2 of the *Local Government (Planning and Environment) Act 1990* towards the provision of water supply and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are \$2,438.83 (0.7 EDCs) for water and \$1,446.84 (0.8 EDCs) for sewerage. Payment is required prior to the issue of a Development Permit for Building Work.

Traffic Management Contributions

4. The applicant/owner must contribute towards Council's Traffic Management/Road Upgrading program in accordance with Cairns City Council Traffic Management Plans.

The contribution rate is that which is current at the time of payment. The current rate of contribution is \$2,391.72 (1.0 ERA). Payment is required prior to the issue of a Development Permit for Building Work.

Drainage Contributions

5. The applicant/owner must contribute towards the augmentation of stormwater drainage services and associated services in accordance with Smithfield Drainage Board Management Plan.

The contribution rate is that which is current at the time of payment. The current rate of contribution is \$178.32 (0.084 Hectares). Payment is required prior to the approval and dating of the Plan of Survey.

Car Parking and Access Requirements

6. The applicant/owner must provide 1 covered space for each detached dwelling unit plus one visitor space for each dwelling unit. The car parking spaces may be in tandem.

- 7. Car parking layout must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities – off street car parking, except as varied with the consent of the Chief Executive Officer and in particular manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear.**
- 8. The car parking and driveway must be constructed in accordance with the approved plan and Council's Development Manual specification prior to the commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer.**

Landscaping Plan

- 9. The applicant/owner must landscape the subject land and street frontage in accordance with the Development Manual, Part 4 – Landscaping and in accordance with a landscape plan submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit. In particular, the plan must show:**
 - a. Landscaping of the front setback area on Sidlaw Street, being a 3 metre wide buffer. Such buffer shall be planted and maintained with dense tropical landscaping;**
 - b. Landscaping and/or screen fencing in the area between dwelling units to provide privacy to the dwelling units. Such buffer shall be planted and maintained with dense tropical landscaping;**
 - c. Landscaping of the required setback areas, being a buffer to the side boundary and a buffer to the rear boundary of the site;**
 - d. Landscaping between the two driveways. Such buffer shall be planted and maintained with dense tropical landscaping; and**
 - e. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect/Designer.**

Areas to be landscaped must be established prior to the commencement of the use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Fencing

10. The applicant/owner must provide a screen fence (minimum height of 1.8 metres and maximum gap of 10mm) to the side boundaries of the subject land.

The required fencing must be consistent in terms of design and material with other similar fences in the locality. Details of the fencing must be submitted and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Water Saving

11. All toilets in the Dual Occupancy must be fitted with dual flush cisterns and water flow regulator must be fitted to all shower recesses, bathroom and kitchen facilities where applicable to generally restrict water flow to 9 litres of water per minute, all to the satisfaction of the Chief Executive Officer.

Refuse Collection

12. Refuse storage is required to service the site in accordance with Council's requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Cairns Water.

Lawful Point of Discharge

13. The applicant/owner must ensure that the flow of all stormwater from the property is directed to a lawful point of discharge nominally being Sidlaw Street, such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

General External Works

14. The applicant/owner must at its own cost undertake the following works external to the subject land:
 - a. Provision of concrete crossover and apron on the Sidlaw Street frontage for the additional dwelling unit.

Three copies of a plan of works must be submitted to and endorsed by the Chief Executive Officer prior to the commencement of the use. Such works shall be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the commencement of the use.

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
 2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.
 3. All building site manager must take all action necessary to ensure building materials and/or machinery on the construction site are secured immediately following the first potential cyclone warning is received and that the relevant emergency telephone contacts are provided to Council Officers, prior to the commencement of the works.
 4. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
- B. That Council dispense with the Maximum Density requirements for Residential 1 development, in accordance with Part D Section 1.7 (Table D-4) of the Planning Scheme for the Balance of the City of Cairns.

carried

17. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) -
 TRANSPORT AND EQUIPMENT DEPOT AND USES IN PERMITTED
 IN THE LIGHT INDUSTRY ZONE - 33 JOHNSTON STREET,
 STRATFORD - DIVISION 10 147
 Peter Boyd: 8/8/589 : #804166

COCHRANE / BLAKE

- A. That Council issue a Preliminary Approval in accordance with Section 3.1.6 of the *Integrated Planning Act 1997* for a Material Change of Use for land situated at 33 Johnston Street, Stratford, described as Lot 10 on C198197, Parish of Cairns subject to the following code:-

1. Table of Development

Self-Assessable Uses	Impact Assessable Uses
Self Assessable uses outlined in the Planning Scheme for Part of the City of Cairns for the Light Industry zone.	Impact Assessable uses outlined in the Planning Scheme for Part of the City of Cairns for the Light Industry zone.

- B. That Council issue a Development Permit for a Material Change of Use (Impact Assessment) for the development of a Transport and Equipment Depot on land described as Lot 10 on C198197, Parish of Cairns located at 33 Johnston Street, Stratford subject to the following conditions:-**

Assessment Manager Conditions:-

1. The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use generally in accordance with:-
 - a. The approved plans submitted with the application to Council on 2 April 2004 attached as Appendix 1;
 - b. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
 - c. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected within two (2) months from the date of Council's decision, except where specified otherwise in these conditions of approval.

Car Parking & Access Requirements

3. The applicant/owner must provide on-site car parking spaces as per the application to Council.
4. All vehicles must enter and exit the site in a forward gear.

Parking Construction

5. The parking must be constructed in accordance with Council's Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed and line marked.

Lawful Point of Discharge

6. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Landscaping Plan

7. The applicant/owner must landscape the subject land and street frontage in accordance with Development Manual, Part 4 - Landscaping and in accordance with a landscape plan submitted to and endorsed by the Chief Executive Officer. In particular, the plan must show:
 - a. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs;
 - b. Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints;
 - c. Landscaping of required setback areas, being a minimum 6 metre wide buffer to the Johnston Street frontage and as indicated in the application to Council;
 - d. Landscaping of at least 15% of the site;

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be submitted to and endorsed by the Chief Executive Officer prior to the commencement of the use.

Areas to be landscaped must be established prior to the commencement of the use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

General External Works

- 8. The applicant/owner must at its own cost undertake the following works external to the subject land:**
 - a. Construct full width bitumen widening to the frontage of the subject site;**
 - b. Provision of a concrete crossover(s) and apron(s);**
 - c. Make good the kerb(s) at redundant crossover(s);**

Three (3) copies of a plan of the works must be submitted to Council and endorsed by the Chief Executive Officer prior to commencement of works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer within two (2) months from Council's decision.

Screen Fence

- 9. The applicant/owner must provide a screen fence (minimum height of 1.8 metres with no spaces) to the side and rear boundaries of the subject land, to the satisfaction of the Chief Executive Officer. The required fencing must be consistent in terms of design and materials with other similar fences in the locality. Details of the screen fence must be submitted to and be endorsed by the Chief Executive Officer prior to the commencement of such works.**

Trade Waste

- 10. Should vehicles be washed on the site, a vehicle wash bay must be constructed. The wash bay must be roofed and bunded and waste water discharged through a 550 litre triple interceptor to sewer or as agreed to by the Chief Executive Officer.**

ADVICE

- 1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.**
- 2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.**

3. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au . To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au

carried

18. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - USE RIGHTS GENERALLY IN ACCORDANCE WITH THE TABLE OF DEVELOPMENT OF THE RESIDENTIAL 1 ZONE, AND ACCESS TO BRINSMEAD TERRACE - PRELIMINARY APPROVAL AND DEVELOPMENT PERMIT - DIVISION 12 155
Neil Beck: 8/8/521-01 : #812352

SHEPPARD / BLAKE

That the report be deferred pending further discussions.

carried

19. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - CHILD CARE CENTRE - ROBERT ROAD AND MCLAUGHLIN ROAD, BENTLEY PARK - DIVISION 3 175
Peter Boyd: 8/8/585-01 : #791931

PEZZUTTI / LINDSAY

- A. That Council issue a Development Permit for a Material Change of Use (Impact Assessable) for a Child Care Centre on part of Lot 2 on RP704069, part of Lot 7 on RP800908 and part of Lot 608 on RP800900, located at Robert Road and McLaughlin Road, Bentley Park, subject to the following conditions:-

Assessment Manager Conditions

1. The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
 - a. The approved plans being Drawings No. SKP-01 Revision B and SKP-02 Revision B drawn by Tab, dated 10 May 2004, attached as Appendix 1;

- b. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
- c. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and
- d. Conditions of Development Permit 8/13/769.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.

Water Supply and Sewerage Contributions

3. The applicant/owner must contribute in accordance with Council's policy provided for as per Section 6.2 of the *Local Government (Planning and Environment) Act 1990* towards the provision of water supply and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are \$10,168.12 (3.7 EDCs) for water and \$8,778.98 (4 EDCs) for sewerage.

Payment is required prior to the commencement of the use.

Parking

4. The amount of vehicle parking must be as specified in Council's Planning Scheme which requires the provision of 34 on-site parking spaces.

To comply with this requirement, the applicant/owner must provide:

- a. 12 covered car parks in the designated vehicle set down area with speed bumps and coloured paving as shown on submitted Site Plan labelled Drawing No. SKP-01 Rev B; and

- b. 22 car parks allocated within the existing parking areas of the commercial centre. Plans submitted are required to be modified to ensure that the car parking intended for use by the Child Care Centre does not conflict with the existing services located on the site such as Refuse disposal, gas tanks etc. In addition, the car parking layout is to dedicate a car space for the provision of disabled car parking.

Revised plans identifying the location of the refuse bins, gas tanks and loading areas must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Parking Design

5. The parking layout must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - Off Street Car Parking, except as varied with the consent of the Chief Executive Officer and in particular:
 - a. Provision must be made for loading/unloading of vehicles;
 - b. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles); and
 - c. Where pedestrian access is located between a parking space and an obstruction, a minimum clear trafficable width of three (3) metres must be provided.

Such plans must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Physical Means of Speed Control

6. Physical means of speed control must be constructed at the following locations:
 - a. The entry to the set down area;
 - b. The exit of the set down area;
 - c. At least two physical means of speed control are to be constructed along the south east boundary carriage way; and

- d. **Adjacent to the crossover at the exit point.**

Revised plans identifying the locations of the speed control device must be submitted and approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Protection of Landscaped Areas From Parking

7. **The landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction and must be submitted and approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.**

Parking Construction

8. **The parking must be constructed in accordance with Council's Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.**

Parking Signage

9. **The applicant/owner must erect a sign(s) to the satisfaction of the Chief Executive Officer, advising of the location of the off-street parking area and access thereto. Details of the sign(s) must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The sign(s) must be erected prior to the commencement of the use.**

Prohibition of Vehicular Access

10. **Vehicular access to proposed development from Robert Road is not permitted.**

The applicant/owner must erect a structure to the requirements and satisfaction of the Chief Executive Officer to prevent vehicles accessing the above areas.

Landscaping Plan

- 11. The applicant/owner must landscape the subject land and street frontage in accordance with Development Manual, Part 4 - Landscaping and in accordance with a landscape plan submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit. In particular, the plan must show:**
 - a. Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints;**
 - b. The provision of shade trees, especially in parks, and to shade western walls;**
 - c. Landscaping of required setback areas, being a minimum 6 metre wide buffer to the road boundaries of the site; and**
 - d. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect/Designer.**

Existing native and mature vegetation must be retained and only be removed with the written consent of the Chief Executive Officer. Council's City Assessment Branch is to be notified of the proposed date of commencement of any approved tree clearing.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works.

Areas to be landscaped must be established prior to the commencement of the use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Screen Fence

- 12. The applicant/owner must provide a screen fence (minimum height of 2.0 metres with no gaps to mitigate noise impacts) to the boundaries of the subject land and parking areas, to the satisfaction of the Chief Executive Officer, as detailed on the Site Plan Reference SKP-01 Rev B as submitted to Council. The required fencing must be consistent in terms of design and materials with other similar fences in the locality. Details of the screen fence must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.**

Trade Waste

13. The relocated refuse bin enclosure must be roofed and bunded and fitted with a bucket trap or as agreed to by the Chief Executive Officer.

CONCURRENCE AGENCY CONDITIONS**Department of Main Roads****1. Permitted Road Access Location**

- (i) Access between the Bruce Highway and the subject land shall be via McLaughlin Road to the satisfaction of the Cairns City Council.
- (ii) No direct vehicular access between the 'SCR' and the subject land is permitted.

2. Advertising

No advertising device for the proposed development is permitted within the 'SCR' reserve.

3. Car Parking

When calculating car parking requirements associated with the proposed development, no allowance shall be made for parking within the 'SCR' reserve.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.
3. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning is received and that the relevant emergency telephone contacts are provided to Council Officers, prior to the commencement of works.

4. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

- B. That Council notate the property file in regards to the Department of Main Roads requirements being Conditions 1, 2 and 3 above.

carried

CR PEZZUTTI DECLARED A MATERIAL PERSONAL INTEREST IN CLAUSE 20 AND LEFT THE MEETING AND DID PARTAKE IN DISCUSSIONS OR VOTING.

20. MATERIAL CHANGE OF USE - OUTDOOR ENTERTAINMENT (PARACHUTE LANDING AREA) - PAGE ROAD, EDMONTON - DIVISION 3 191
Gary Warner: 8/8/594-01 : #810550

GREGORY / COCHRANE

That Council approve the application for a Material Change of Use – Impact Assessment for an Outdoor Entertainment (Commercial Parachuting Landing Area) to be conducted on land described as Lot 2 on RP708451 located on Page Road, Edmonton subject to the following conditions:-

ASSESSMENT MANAGER CONDITIONS:

General

1. The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
 - a. The approved plan attached;
 - b. The plans, specifications, facts and circumstances as set out in the application submitted to Council; and
 - c. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.

Hours of Operation

3. In accordance with the Visual Flight Rules for light aircraft, the hours of operation are limited to 7.00am to 10 minutes before published last light. Note this is consistent with item 4.0 (4) of Local Planning Policy 3:04:06 "Location of Commercial Parachute Landing Areas".

Noise

4. Measures must be continuously implemented to ensure that the noise levels associated with the activity are minimised as much as possible.

Ascents to the drop zone over urban areas are not permitted. Noise levels from the operation must at all times comply with the Environmental Protection (Noise) Policy 1997.

Signs

5. Signs on the land shall conform with Council's Local Law No 28 – Control of Advertising to the satisfaction of the Chief Executive Officer.

Operational Methods and Safety

6. The applicant must conduct its parachuting operation in accordance with a letter of agreement between Air Services Australia and the Applicant. A copy of the letter of agreement must be provided to the Chief Executive Officer prior to commencement of the use.
7. The applicant must provide the Chief Executive Officer with a report within forty-eight (48) hours of the following occurring:-
 - a. any cutaway parachute actions occurring whilst dropping into the subject landing area, including the location of the landing of the cutaway equipment and the parachutist; and
 - b. any "off drop zone" landings occurring on or around the subject landing area, including the eventual location of landing.

8. Parachute descents onto the subject site will be conducted in accordance with the Australian Parachuting Federations licence conditions and/or directions and all applicable operational regulations as amended from time to time.

No unauthorised individual or organization will be permitted on any occasion to land at the approved commercial parachute landing site except ;
i. with the written authorisation of the Council or ii. in the case of an emergency.

Public Liability

9. The applicant/company must provide evidence that it has acquired public liability insurance cover for its operations. The public liability insurance is to include Cairns City Council and the land owner as co-insured. A copy of the insurance document is to be supplied to Council prior to commencement of the use, and the land owner is to be provided with a copy of the conditions of approval prior to commencement of the use.

Air Services Australia

10. Air Services Australia (Cairns Office) is to be provided with a copy of the Development Permit prior to commencement of operations at the subject site.

Flight path tracking plots at an appropriate scale are to be provided to Council (cross referenced to file 8/8/594) every 3 months from the date that operations commence at the subject site. The plots are to cover all parachuting flights carried out by the applicant/company using the subject landing area.

Water Supply

11. Should the applicant or the land owner require an additional connection to the Cairns City water Supply system to serve the landing area then the applicant is to contribute a water supply head works contribution at the rate applicable at the time of application for supply.

Access

12. The applicant is to form appropriate vehicle access cross overs in generally in accordance with Standard Drawing S1105 (Rural allotment access). Plans showing of the cross over formation and location are to be submitted to Council for approval prior to construction of the cross overs/s.

Process

13. The consent for the existing SkyDive Cairns site on Lot 9 N15737 (Thomson Road) shall cease 1 calendar month after this Development Permit has effect.
14. The Development Permit will lapse and be of no effect after 2 years from the date of issue unless otherwise approved by Council. The applicant shall request for an extension of the approval no less than 2 months prior to the lapse of the approval. In determining the request for extension, Council's considerations shall include:-
 - a. Any development taking place within the land designated "Rural 2" on the Planning Maps for CairnsPlan (White Rock – Edmonton District Plan –Planning Areas)
 - b. all reports lodged pursuant to Conditions 7 & 10;
 - c. any advice received by Air Services Australia and/or Civil Aviation Safety Authority; and,
 - d. any submission made by the applicant to Council addressing any of the matters referred to in (a) to (c) above.

In the event that Council determines that the Development Permit should be cancelled having regard to the factors listed above, the approval shall be deemed to be cancelled 90 days after the date of the resolution.

Review of Permit

15. Council will review the Development Permit if the following circumstances arise and such review may result in the cancellation of the approval:
 - a. Unsatisfactory results arising from the reports lodged pursuant to Conditions 7 & 10;
 - b. Advice received from Air Services Australia that the terms and conditions of the letter of agreement between Air Services and the applicant (Condition 6) have not been met.

CONCURRENCE AGENCY CONDITIONS

Department of Main Roads Conditions

1. Permitted Road Access Location

- (i) Vehicular access between the State-controlled road (i.e. Bruce Highway) and the subject land shall be via Thomson Road and Page Road, to the satisfaction of Cairns City Council.
- (ii) No direct access between the State-controlled road (i.e. Bruce Highway) and the subject land is permitted

2. Land for Future Road Purposes

The subject land is within a corridor of properties required to accommodate a future Edmonton bypass proposal. In order to preserve this development proposal the applicant/landowner shall not construct any structure/s nor commence any development under, on or over the subject land unless the Department of Main Roads agrees to the proposed structure/s or works.

Advertising

- 3. No advertising device for the approved development is permitted within the Bruce Highway reserve.

ADVICE

- 1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997. Council must receive a request for an extension of the approval pursuant to Condition 14 of the Development Permit.
- 2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.
- 3. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au <<http://www.ipa.qld.gov.au/>> . To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au <http://www.cairns.qld.gov.au/>

carried

CR PEZZUTTI RETURNED TO THE MEETING

- 21. MATERIAL CHANGE OF USE (CODE ASSESSMENT) - GENERAL INDUSTRY (SHEET METAL WORKS) - VICKERS STREET, EDMONTON - DIVISION 3 204**
Peter Boyd: 8/7/132-01 : #808654

PEZZUTTI / LINDSAY

- A. That the Council issue a Development Permit for a Material Change of Use (Code Assessment) for the development of a General Industry (Sheet Metal Works) on land described as proposed Lot 53 being part of lot 52 on SP1580212, Parish of Cairns located at Vickers Street, Edmonton subject to the following conditions:-**

Assessment Manager Conditions

- 1. The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use generally in accordance with:-**
 - a. The approved plans being Drawing No. CAI-P4-0 Issue E dated 30 April 2004 and Drawing No. 1026-A2 dated 19 March 2004, attached as Appendix 1;**
 - b. The plans, specifications, facts and circumstances as set out in the application submitted to Council;**
 - c. The provisions of Council's Development Manual;**
 - d. The approved plans are to be amended to provide a 6 metre landscaped strip to the main street frontage; and**
 - e. Conditions of Development Permit 8/13/746.**

Except where modified by these conditions of approval and any endorsement issued hereunder.

Timing of Effect

- 2. The conditions of the Development Permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.**

Parking Design

3. **The parking layout must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking, except as varied with the consent of the Chief Executive Officer.**

Parking Construction

4. **The car parking must be constructed in accordance with Council's Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, provision must be made for the loading and unloading of heavy vehicles with all car parking, driveway and vehicular manoeuvring areas being imperviously sealed, drained and line marked to the satisfaction of the Chief Executive Officer prior to the commencement of use.**

Parking Signage

5. **The applicant/owner must erect a sign to the satisfaction of the Chief Executive Officer, advising of the location of the off-street car parking area and access thereto. Details of the sign must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The sign must be erected prior to the issue of the Certificate of Classification for Building Work.**

Landscaping

6. **The applicant/owner must landscape the subject land and street frontage in accordance with Development Manual, Part 4 – Landscaping and in accordance with a landscape plan endorsed by the Chief Executive Officer. The landscape plan must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Building Work. In particular, the plan must show:**
 - a. **A 6 metre landscaped strip to the main street frontage;**
 - b. **Planting of the footpath with trees or shrubs;**

- c. **Landscaping of required setback areas, as shown on Plan No. 740-LS-01-A prepared by JNP Pawsey & Prowse dated 24 May 2004. In particular, the landscape strip to the main street frontage (Vickers Street) is to be 6 metres wide and the landscape strip along the other frontages is to be 3 metres wide. All landscaped areas must be planted and maintained with dense planting sufficient to provide a definite and effective visual barrier; and**
- d. **A minimum of 10% of the subject site shall be devoted to landscaping.**

Landscaping Establishment

7. **Areas to be landscaped must be established prior to the issue of a certificate of classification for carrying out building work and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.**

Water Saving

8. **All toilets in the General Industry (Metal Works) must be fitted with dual flush cisterns and water flow regulators must be fitted to all shower recesses, bathrooms and kitchen facilities where applicable to generally restrict water flow to 9 litres of water per minute, all to the satisfaction of the Chief Executive Officer.**

Lawful Point of Discharge

9. **The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being Hargreaves Street and Vickers Street, such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.**

Health

10. **An area of a suitable size is to be provided at ground level to store the number of refuse bins required to service the site. In particular, the refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.**

External Works

11. **The applicant/owner must at its own cost undertake the following works external to the subject land:**

- a. **Provision of an industrial concrete crossover and apron to all access points to the site.**

Three (3) copies of a plan of the work must be submitted at the time of lodgement of the Development Application for carrying out Building Work and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Building Work.

Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the issue of the Certificate of Classification.

Miscellaneous

12. **The storage of any machinery, material and vehicles must be appropriately screened so as not to be directly visible from any road to which the subject land has frontage, to the satisfaction of the Chief Executive Officer.**

- B. **That Council permit a side boundary setback of 3 metres to the north-eastern boundary of the subject site as shown in Drawing No. CAI-P4-0 Issue E dated 30 April, attached as Appendix 1.**

ADVICE

1. **This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.**
2. **For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.**

carried

**22. PROPOSED RESERVATION AND LEASE OF PART OF LOT 174 ON
NR6855, KAMERUNGA ROAD, KAMERUNGA - DIV 12 216
Linda Kirchner : 19/3/3-52: #810663**

SHEPPARD / BONNEAU

Council resolve:

- 1. That the Mayor and Chief Executive Officer be given delegated authority to negotiate with the Minister as to the exact size and location of the proposed reserve. In particular, the future strategic needs of Cairns Water must be considered and fully addressed.**
- 2. That all costs associated with the development of the reserve not be borne by Council.**
- 3. That any future lease contain specific provisions to address all of the site management issues including, but not limited to, declared pest plants (noxious weeds) and drainage.**
- 4. That any future lease be in accordance with the Planning Scheme provisions including Department of Main Roads approvals.**

carried

CLAUSE 24 DEALT WITH BEFORE CLAUSE 23

**24. CAIRNSPLAN - OUTSTANDING MATTERS - LATE AGENDA ITEM
229**

Deborah Wellington : 8/26/5-05: #812713

BONNEAU / COCHRANE

Individual recommendations follow each particular item.

carried

GILL / BLAKE

RECOMMENDATION NO. 1

1. That the recommendations contained in the report prepared by Gordon Grimwade and Associates be adopted which include:
 - Amend the Cultural Heritage Code to include reference to the Burra Charter and include performance criteria for Character Precincts.
 - Amend the Character Precinct mapping to include the new precincts and amend the boundaries of a number of existing precincts.
 - Include a Demolition Control Code which will apply to Local Heritage Places and sites within Character Precincts.
2. That the following Local Heritage Places be retained :
 - Cairns Plywood;
 - 95-99 Grafton Street;
 - 199-203 The Esplanade.
3. That the following Local Heritage Place be removed :
 - Queerah Meatworks.
4. That the following Character Precincts be changed to a Local Heritage Place:
 - Old Smithfield Township;
 - Grafton Street between Spence and Shields Street (Chinatown Area);
 - Kamerunga State Nursery,
5. That the following Local Heritage Places change to a Character Precinct:
 - Babinda Mill.

carried

LINDSAY / GREGORY

RECOMMENDATION NO. 2

1. That a new DEO is developed for a Liveable, Sustainable and Tropical City which reads:

“The combination of natural features, built environment, and development patterns result in a liveable, sustainable, tropical city promoting a distinct Cairns style. The essential elements of outdoor living, access to natural areas, good air quality, efficient housing and tropical design are promoted to ensure the Cairns lifestyle is maintained and enhanced.”

2. That the Housing DEO is amended to :

“The provision of a diverse choice of housing that is responsive to the climate, landscape and the changing demographic structure of the Cairns population while being affordable and efficient.”

3. That the Sense of Community DEO is amended to :

“Communities are created with a recognisable character and sense of place and which have a high level of amenity, safety, connectivity and integration between existing and new areas.”

carried

GREGORY / COCHRANE

RECOMMENDATION NO. 3

1. That the Biodiversity Code be renamed to the Vegetation Conservation and Waterway Significance Code.
2. That the Riparian Corridor widths are amended as set out below and the Vegetation Conservation and Waterway Significance Code and Flood Management Code are amended accordingly.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 The riparian corridor adjacent to watercourses must be maintained.</p>	<p>A1.1 Development does not occur within the riparian corridor.</p> <p style="text-align: center;">AND</p> <p>A1.2 The minimum width of the riparian corridor, measured from the shoulder of the high bank, for the respective categories of watercourses is:-</p> <p>Rural Lands District</p> <p>Watercourse Category 1, 2, & 3</p> <ul style="list-style-type: none"> ▪ 20 metres <p>Watercourse Category 4</p> <ul style="list-style-type: none"> ▪ 10 metres <p>All other Districts</p> <ul style="list-style-type: none"> • Watercourse Category 1 <ul style="list-style-type: none"> - 50 metres • Watercourse Category 2 <ul style="list-style-type: none"> - 20 metres in areas above RL 40 metres AHD - 40 metres in areas below RL 40 metres AHD • Watercourse Category 3 <ul style="list-style-type: none"> - 20 metres in areas above RL 40 metres AHD - 40 metres in areas below RL 40 metres AHD • Watercourse Category 4 <ul style="list-style-type: none"> - - 10 metres.

carried

BONNEAU / COCHRANE

RECOMMENDATION NO. 4

That the Open Space Links Overlay is renamed to the Connectivity Overlay and the mapping include endangered Regional Ecosystems.

carried

JAMES / GILL

RECOMMENDATION NO. 5

1. That the purpose statement for the Residential 2 Planning Area be amended as follows:
2. The purpose of this Code is to facilitate the achievement of the following desired development outcomes for the Residential 2 Planning Area :
 - the development of a wider choice of housing in terms of form and size to meet the needs of a diverse population is facilitated;
 - more innovative housing solutions are facilitated;
 - higher densities are located within reasonable walking distance to public transport, centres community facilities and open space;
 - travel distances should be minimised and walking and cycling encouraged;
 - efficiencies in the use of land and in the provision of physical and social infrastructure in developing residential neighbourhoods are facilitated through the orderly and sequential development of land;
 - consolidation and the more efficient use of existing infrastructure within the established residential areas included within this Planning Area are facilitated;
 - the scale and density of development contributes to a high standard of residential amenity;
 - the establishment of facilities which provide ancillary services to the local community is facilitated;
 - uses identified as inconsistent uses in the Assessment Table dealing with material change of use for the respective Districts are not established in the Residential 2 Planning Area.

carried

JAMES / BLAKE

RECOMMENDATION NO. 6

That the Reconfiguring a Lot Code be amended to include performance criteria relating to community design and lot orientation and energy.

carried

COCHRANE / GILL

RECOMMENDATION NO. 7

That the Share House Accommodation land use definition and associated code are deleted.

carried

BLAKE / COCHRANE

RECOMMENDATION NO. 8

That the definition of Veterinarian Facilities as follows :

Veterinary Facilities

Means the use of premises for the veterinary care, surgery and treatment of animals which may involves the accommodation of those animals on the premises.

carried

PLATH / COCHRANE

RECOMMENDATION NO. 9

1. That Vehicle Repair Workshop is included in the Industry Class A definition.
2. That a new Industry Class C definition is created as follows:

Industry Class C

Means the use of premises for any industry which :

- has the potential to be noxious, offensive or hazardous and is incompatible with the definition of Industry A and Industry B.

The use includes activities such as abrasive blasting, descaling or the treatment of metals, bulk fuel storage, crushing or screening stone, gravel or sand, hot dip galvanising, electroplating or processes of a like nature.

carried

JAMES / BLAKE

RECOMMENDATION NO. 10

That the definition of Gross Floor Area is amended as follows, to make a clear distinction between the definition of Gross Floor Area and Net Lettable Area :

Gross Floor Area

The sum of the areas (inclusive of all walls, columns and balconies, whether roofed or not) of all storeys of a building or buildings including public mall areas and covered walkways within shopping facilities except for:

- the area of lift motor rooms or air conditioning or other mechanical or electrical plant and equipment rooms;
- the area of any unenclosed private balcony, whether roofed or not, and accessible from one (1) dwelling unit up to maximum of 20% of the gross floor area of the storey upon which the balcony is located;
- toilets and stairwells and other ancillary and service facilities;
- the area of any building or other structure (inclusive of all walls and columns) which extends less than one (1) metre above the ground level at any location, measured from the underside of the slab forming the roof to a basement/ semi-basement parking area to mean ground level. Should the ground level of a site be, or be proposed to be substantially changed from its natural state the Council may stipulate the level which is regarded as the natural ground level for this calculation, having regard to the general level of the surrounding land and roadways;
- ground level parking and parking areas within the envelope of the building and associated vehicular access areas.

carried

JAMES / GILL

RECOMMENDATION NO. 11

That the Development Assessment Tables are amended to improve workability and ensure development assessment efficiency.

carried

COCHRANE / BLAKE

RECOMMENDATION NO. 12

1. That the Extractive Industry Code be amended by the addition of two new purpose statements as follows:
 - Extractive industry resources and haul routes (where required) are protected.
 - Adequate separation distances from potentially incompatible land uses are provided.

2. That a new performance criteria and acceptable measures and be added in relation to the intent to:

Minimise the likelihood of potentially incompatible land uses establishing over or in the vicinity of extractive or mineral deposits and operations and their haul routes.

3. The proposed changes are underlined in the attached Code.

4.7.7 Extractive Industry Code**Purpose**

The purpose of this Code is to ensure that:

- The significant impacts of extractive industry on the environment are addressed in the planning of extractive industry operations
- Extractive industry operations are managed so that significant environmental impacts are contained within the site;
- Extractive industry sites are progressively rehabilitated.
- Extractive industry resources and haul routes (where required) are protected.
- Adequate separation distances from potentially incompatible land uses are provided.

Applicability

This Code applies to development that is impact assessable and is for material change of use for the purpose of an Extractive Industry.

Elements of the Code Establishment and Operation

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 The extractive industry utilises mitigation measures that minimise any likely adverse impact on ecological and hydrological processes.</p> <p>P2 The operation of the extractive industry does not compromise public safety.</p>	<p>A1.1 An Environmental Management Plan is provided which addresses the following matters:</p> <ul style="list-style-type: none"> • Site establishment works; • Type and quantity of materials to be excavated per year and the time period involved; • Limits of the are proposed to be excavated; • Method and staging of operations; • Depth and extent of excavations; • Existing contours of the land; • Estimated depth and description of overburden; • Buffering of the proposed excavation from nearby drains, watercourses, roads, footpaths, buildings and other structures and buffer area management; • Energy efficiency and management; • Erosion and sediment control; • Natural and cultural heritage preservation/management; • Noise control; • Air quality; • Vibration impacts; • Landscaping; • Resource and waste management; • Stormwater management; • Vegetation management; • Rehabilitation works; • The capacity of the existing road system to carry the type and volume of traffic generated by the proposed use; and • Traffic at the site and along haul routes. <p>A2.1 Safety fencing is provided for the full length of the perimeter of the site and around extractive industry stockpiles and operation.</p> <p style="text-align: center;">AND</p> <p>A2.2 Access to the site is to a standard as to accommodate the design vehicles in accordance with Australian Standard 2880.2 and adequate sight distance must be maintained at the access in accordance with Australian Standard 2890.1.</p> <p style="text-align: center;">AND</p> <p>A2.3 Blasting does not result in materials escaping or being ejected from the site.</p> <p style="text-align: center;">AND</p> <p>A2.4 Prior to any blasting, notices of warning which provide warning to those working on the site and to passers by is erected and kept clearly exhibited on the approaches to, and not less than 400 metres from the site of the blasting.</p>

<p><u>P3. Minimise the likelihood of potentially incompatible land uses establishing over or in the vicinity of extractive or mineral deposits and operations and their haul routes.</u></p>	<p><u>A3.1 a baseline separation distance of 1 km from extent of the known extractive resource precincts or from the boundary of the current or proposed mining or extractive operation (including infrastructure), where the operation involves blasting and crushing;</u></p> <p><u>A3.2 a 200 m distance for mining and extractive resources or operations where blasting or intrusive processing is not involved, such as sand mining;</u></p> <p><u>A3.3 a 100 m distance each side of the major quarry haulage routes associated with the extractive resources;</u></p> <p><u>A3.4 where no resource precinct has been defined, the separation distance to be taken from the boundary of the mining lease or mineral development licence or extractive industry approval area;</u></p> <p><u>A3.5 modification of the boundaries following field inspection based on topographic conditions such as an intervening ridge or other feature permitting a lesser separation distance or a more topographically suitable position of the boundary;</u></p> <p><u>A3.6 where residential, close rural residential development or industrial development exists within the relevant separation distance, appropriate separation will need to be established within the resource adjacent to residential or rural residential settlement (and arrangements made with industrial owners), or the mining or extractive operation modified to achieve acceptable levels of impact at the adjacent sensitive land use;</u></p>
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Rehabilitation

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 The site must be progressively rehabilitated to ensure that:</p> <ul style="list-style-type: none"> • a stable landform is achieved; • there are no adverse environmental impacts; and • the landform is suitable for alternative uses. 	<p>A1.1 Rehabilitation is undertaken following completion of identified stages of extraction in accordance with a Rehabilitation Management Plan which identifies:</p> <ul style="list-style-type: none"> • the final landform and levels of the rehabilitated site; • the location, shape and depth of any water bodies; • that the site will be stable and will not be subject to erosion; • that the site will be free of contaminants; • that water quality downstream of the site will not be adversely affected in the future; • that the water quality of any water bodies on the site will be of a standard which can support fish life and other aquatic invertebrates; • the areas of the site to be revegetated and the species to be used in the revegetation; • that the visual amenity of the rehabilitated site is consistent with the visual amenity expected for the alternative uses.

carried

BLAKE / COCHRANE

RECOMMENDATION NO. 13

1. That part 4.8.1 Parking and Access Code of CairnsPlan be amended as follows:

SCHEDULE 1 Car Parking Requirements

Residential Uses	
Dual Occupancy	<u>2 spaces per unit which may be in tandem</u>
Multi-Unit Housing	1 bed unit; 1 space per unit plus visitor parking of 0.25 spaces per unit 2 bed unit; 1.5 spaces per unit plus visitor parking of 0.25 spaces per unit 3 bed unit; 2 spaces per unit plus visitor parking of 0.25 spaces per unit. <u>1.75 spaces per unit plus 1 wash-down bay</u> In all cases, a minimum of 1 space per unit is to be roofed.
Business and Commercial Uses	
Medical Centre	<u>1 space per 20m² of NLA and 1 space for each 2 other employees which ever is the greater and 1 space for ambulance vehicle pick-up and set down.</u>

2. That in Commercial Planning Areas where also identified as a Local Heritage Site or included within a Character Precinct, and the existing building is retained. The parking rate will be 1 space for house and 1 space for office, providing full on street works are undertaken for the frontage of the property.

carried

GILL / BLAKE

RECOMMENDATION NO. 14

1. That the purpose and applicability statements are amended to ensure legal compliance.
2. That a statement of the identification of affected premises is added to each overlay code.

carried

BONNEAU / SHEPPARD

RECOMMENDATION NO. 15

1. That at the northern part of Lot 3 RP747724 where it is above the 40m contour, change the Hillslopes category from Category 2 (Urban) to Category 1 (Urban).
2. That southern part of lot 3 RP747724 where it is above the 40m contour remains in Category 2 (Urban) Hillslopes Designation.
3. That for Lot 1 RP748655 where it shares a common boundary with lot 3 and is above the 40m contour, the Hillslopes category remains as Category 2 (Urban).
4. That for Lot 34 NR7550 where it is above the 40m contour, change the Hillslopes category from Category 2 (Urban) to Category 1 (Urban).

carried

BONNEAU / SHEPPARD

RECOMMENDATION NO. 16

That there be no change to the Planning Area or development provisions contained in the advertised Planning Scheme, for the subject land.

carried

BLAKE / SHEPPARD

RECOMMENDATION NO. 17 a, b, c

1. That the Planning Area for Lots 1 & 2 RP724523 and Lot 2 RP726694 and adjoining Council land Lot 1 RP709390 be amended to generally reflect the attached plan, with the stipulation that the Low Density Residential land contained on Lot 2 RP726694 contains an area less than 1.4 ha.
2. That the Hillslopes designation for Lots 1 & 2 RP724523 and Lot 2 RP726694 be amended to reflect the decision of the Material Change of Use 8/8/133 and that the Low Density Residential area of Lot 2 RP726694 be included in Hillslopes Category 1 (Urban).

carried

SHEPPARD / BONNEAU

RECOMMENDATION NO. 18 a, b, c

1. That the Planning Areas and Hillslopes designation for Lot 62 SP106972 be amended to reflect the plan submitted by Mr Charles O'Neil following discussions on 11 June 2004.
2. That the statement in section 3.9.1 Description and Intent, contains the statement 'It is intended that extraction of the hard rock resource located in the upper section of the Valley should continue'. This statement shall be amended to include the following '...until the expiry of the existing permit'.
3. That the owners of lots 8 & 9 RP749301 (the Redlynch Quarry) be advised, as a courtesy, of the change to the statement of intent.

carried

BLAKE / COCHRANE

RECOMMENDATION NO. 19a, b, c, d

That there be no change to the Planning Area or Hillslopes Designation for land located on or adjacent to Mt Whitfield, generally known as Park Ridge and Hillview Crescent. The reason for no change, is that the Hillslopes Code provides sufficient provisions to address the impact of any hillslope development.

carried

BLAKE / COCHRANE

RECOMMENDATION NO. 20

That there be no change to the Planning Area or Hillslopes Designation for land located on or adjacent to Mt Whitfield, generally known as Park Ridge and Hillview Crescent. The reason for no change, is that the Hillslopes Code provides sufficient provisions to address the impact of any hillslope development.

carried

BLAKE / COCHRANE

RECOMMENDATION NO. 21

That there be no change to the Planning Area or Hillslopes Designation for Lot 795 SP158394, Kanimbla. The reason for no change, is that the Hillslopes Code provides sufficient provisions to address the impact of any hillslope development.

carried

SHEPPARD / BONNEAU

RECOMMENDATION NO. 22

1. That for Lot 16 NR1068 that land located in Category 2 (Urban) Hillslopes Designation would remain in the Conservation Planning Area.
2. That for Lot 16 NR1068 that land located Category 1 (Urban) Hillslopes Designation or with no hillslopes designation, be included in the Rural 1 Planning Area.

carried

SHEPPARD / COCHRANE

RECOMMENDATION NO. 23

That there be no change to the Planning Area or Hillslopes designation for Lot 3 RP800485 Intake Road, Redlynch.

carried

BLAKE / JAMES

RECOMMENDATION NO. 24

1. That there be no change to the Planning Area Maps for Lot 1 RP749593 and Lot 2 RP911566.
2. That the submitter be advised that the current approach in relation to the provision of open space will remain. That is 10% open space is provided and 3% of this open space may be for drainage, vegetation conservation / riparian conservation purposes (including buffers).
3. That the concept of development bonuses in relation to biodiversity and conservation not be included in CairnsPlan at this time.
4. That the submitter be advised that the assessment table has been reviewed and some changes have been made, to reflect the uses that should trigger an assessment in relation to primary light control plans / bird strike hazard overlay.
5. That the submitter be advised Bushfire Risk Analysis Overlay is provided by the State Government and is a statutory requirement, no changes will be made to this data.

carried

GILL / PLATH

RECOMMENDATION NO. 25

1. That there be no change to the Planning Area or Hillslopes Designation for land previously covered by the Planning Scheme for the Part of the City of Cairns including that land located on or adjacent to Mt Whitfield. The reason for no change, is that the Hillslopes Code provides sufficient provisions to address the impact of any hillslope development.
2. That a copy of the Hillslopes Code be provided to the submitter.

carried

SHEPPARD / BONNEAU

RECOMMENDATION NO. 26

1. That all of Lot 5 CP891005 Paradise Palms be included in the Conservation Planning Area.
2. That Lot 359 SP105747 Paradise Palms, the part of the land in the Conservation Planning Area (following the resolution of 13 May 2004) be shown in the Rural 1 Planning Area. That the submitter be advised that in preparing a future Reconfiguring a Lot / Material Change of Use application for Lot 359 all land with a slope greater than 1 in 3 should be included the Conservation Planning Area.

carried

BONNEAU / BLAKE

RECOMMENDATION NO. 27

1. That for Lot 90 SP129123, Reed Road, Earl Hill where above the 40m contour be included in Category 2 (Urban) Hillslopes Designation and the Conservation Planning Area.
2. That for Lot 90 SP129123, Reed Road, Earl Hill where above the 20m contour and below the 40m contour be included in Category 1 (Urban) Hillslopes Designation and the Tourist and Residential Planning Area.

carried

SHEPPARD / COCHRANE

RECOMMENDATION NO. 28

1. That for Lot 11 SP154565 land currently included in Low Density Residential zone (in the Planning Scheme for the Balance of Cairns) remain in the Low Density Residential Planning Area and Category 1 (Urban) Hillslopes Designation.
2. That for Lot 11 SP154565 land currently included in Low Density Residential zone (in the Planning Scheme for the Balance of Cairns) be included in Category 1 (Urban) Hillslopes Designation.

carried

JAMES / PLATH

RECOMMENDATION NO. 29

That there be no change to the Hillslopes Category 1 (Urban) designation for Lot 7 SP109482, Kurrajong St Earlville.

carried

LINDSAY / PEZZUTTI

RECOMMENDATION NO. 30

- 1. That there be no change to the resolution of 13 May 2004 relating to Lot 43 RP704152, that is that the land is to be shown as Rural 1 in CairnsPlan.**
- 2. That for clarification purposes, it is confirmed that the intent of the Resolution of 13 May 2004 relating to certain Rural land in the Edmonton (Whereat Rd / Isabella Dr) area, that land currently shown as rural in the Planning Scheme for the Balance of Cairns, be included in the Rural 1 Planning Area in CairnsPlan. With the exception of lot 13 RP860977 which was subject to a Material Change of Use approval on 27 May 2004.**

carried

LINDSAY / PEZZUTTI

RECOMMENDATION NO. 31 a, b

- 1. That the Special Facilities designation for Lot 108 RP712063, False Cape, agreed to by council in 2001, be included in CairnsPlan.**
- 2. That Lot 108 RP712063, False Cape be included in Category 1 (Urban) Hillslopes below 40m and Category 2 (Urban) Hillslopes Designation above 40m.**

carried

COCHRANE / BLAKE

RECOMMENDATION NO. 32

That in relation to Smithfield Waters, described as Lot 6 RP894527, Lot 4 RP748727 and Lot 456 RP748727 the land be included in the Residential 2 Planning Area.

carried

JAMES / GILL

RECOMMENDATION NO. 33

That the changes to the Trunk Infrastructure Contribution Planning Scheme Policy and Reports and Information Council May Request Planning Scheme Policy are adopted.

carried

LINDSAY / PEZZUTTI

RECOMMENDATION NO. 34

That the Road Hierarchy Overlay for the link from Wiseman Road to Isabella Drive not be amended, and remain as mapped in the advertised version of CairnsPlan, and the submitter be notified accordingly.

carried

JAMES / BLAKE

RECOMMENDATION NO. 35

1. That Home Activity become self-assessable, in Residential Planning Areas.
2. That changes are made to the Home Activity and Home Based Business Definition as follows :

a. Home Activity

Means the use of a house or a dwelling unit within multi-unit housing by the permanent resident/s of the house or dwelling unit for the conduct of an occupation, vocation or profession not involving the employment of any person other than the residents of the house or dwelling unit and does not involve the repair or service of motor vehicles or the repair or sale of machinery, materials or equipment for use in the industry or building trade.

b. Home Based Business

Means the use of a house, or an ancillary building on the lot containing the house, by the permanent resident/s of the house for the conduct of a business, commercial or professional enterprise which does not involve the manufacture or processing of any product and which may involve the employment of persons other than the residents of the house.

The use includes the provision of accommodation to tourists or travellers, commonly described as bed and breakfast accommodation (no more than 2 bedrooms) or farm-stay accommodation.

- c. That the assessment tables shall be amended to reflect that a Home Based Business that involves the employment of persons other than the resident of the house shall be Impact Assessment.

3. That changes are made the Home Activity and Home Based Business Codes as follows :

4.7.9 Home Based Business Code

Purpose

~~The purpose of this Code is to ensure that Home Activities are at a scale and level of intensity compatible with residential areas to ensure that the amenity of residential areas is not adversely affected by Home Activities.~~ The purpose of this Code is to ensure that Home Based Businesses:

- Are at a scale and level of intensity compatible with the locality; and
- Do not adversely affect the amenity of the locality.

Applicability

This Code applies to material change of use for the purpose of a Home Based Business. This code applies to development that is:

- Assessable; and
- A material change of use of premises for a Home Based Business.

Elements of the Code

Scale of the Use

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 A Home Based Business must be compatible with the surrounding area. <u>Adjacent residential uses.</u>	<p>A1.1 The Home Based Business is conducted by a resident or residents of the House and the number of employees who are not residents of the House does not exceed 2.</p> <p style="text-align: center;">AND</p> <p>A1.2 In the case of bed and breakfast accommodation, no more than 2 bedrooms are used for accommodation of the travelling public</p> <p style="text-align: center;">AND</p> <p>A1.3 In other cases, the total use area of the Home Based Business is not greater than 50 m².</p> <p style="text-align: center;">AND</p> <p>A1.4 No goods or equipment associated with the Home Activity are stored or displayed so as to be visible from outside the premises. Goods are not displayed so that they are visible from outside the site.</p> <p style="text-align: center;">AND</p> <p>A1.53 Except for bed and breakfast accommodation, the Home Based Business is conducted between the hours of 8.00 am to 8.00 pm Monday to Friday and 8.00 am to 6.00 pm Saturday.</p> <p>Except for bed and breakfast accommodation, the Home Based Business is not conducted at all on Sundays or on public holidays.</p> <p>1.4 Advertising devices are limited to one device no greater than 1 metre in length and 0.3 metres in height per premises and is un-illuminated.</p>

Protection of Residential Amenity

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 A Home Based Business must not adversely affect the amenity of the surrounding residential area.	<p>A1.1 The Home Based Business does not produce any odour which is detectable at the boundary of the site.</p> <p style="text-align: center;">AND</p> <p>A1.2 The Home Based Business does not produce any dust emissions which are detectable at the boundary of the site.</p> <p style="text-align: center;">AND</p> <p>A1.3 The Home Based Business does not produce any detectable vibration or electrical interference at the boundary of the site.</p> <p style="text-align: center;">AND</p> <p>A1.4 Not more than one commercial vehicle is associated with the Home Based Business and is garaged/parked on the site.</p> <p style="text-align: center;">AND</p> <p>A1.5 Any commercial vehicle associated with the Home Based Business does not exceed 4 tonnes gross vehicle mass (gvm).</p> <p style="text-align: center;">AND</p> <p>A1.6 No vehicle is fuelled, serviced or repaired on the site.</p>

4.7.10 House Code

Purpose

The purpose of this Code is to ensure that the siting, design and use of each House contribute to the amenity and character of the locality.

Applicability

~~This Code applies to material change of use for the purpose of a House.~~ This Code applies to development that is:

- Self assessable or assessable; and
- A material change of use of premises for a House.

Elements of the Code

Siting and Design

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 The dwelling density must be consistent with that of the surrounding area. P 21 The building form must be compatible with that of adjacent residential development.	A1.1 No more than one House is erected on a lot. AND A2.1 The House is not more than 7.5 metres in height. AND A2.2 Any ancillary storage shed has a maximum floor area of 60 m ² and a maximum height of 3.5 metres.

Ancillary Buildings and Facilities

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 The construction and use of ancillary buildings and facilities must not adversely affect the amenity of the surrounding area.	A1.1 A storage shed is used for purposes ancillary to the use of the House. AND A1.2 A tennis court is set back a minimum of 5 metres from the lot boundary and the setback area(s) is landscaped to provide an effective visual screen and reduce lighting impacts. AND A1.3 Illumination levels parallel to, and at a distance of 1.5 metres outside the site for a height of 10 metres do not exceed 8 lux in either the vertical or horizontal plane.

carried

23. CAIRNSPLAN – RECONSIDERATION FOR ADVERSE EFFECTS ON STATE INTEREST **226**

Deborah Wellington : 8/26/5-05: #812157

SHEPPARD / BLAKE

1. That Council proceed with the proposed CairnsPlan and associated Planning Scheme Policies with modifications including :

- a. That the Planning Area for Lot 141 on RP 865130 be changed from Open Space to the Rural 1.
- b. That for Lot 107 SP162903 the current Residential 1 zone be carried over to the CairnsPlan and that the balance of the site be included in the Rural 1 Planning Area.
- c. That the changes as tabled be carried out to :

Multi-Unit Housing Code;
Retirement Village Code;
Dual Occupancy Code;
Reconfiguring A Lot Code;
Hillslopes Code.

2. That Minister for Local Government & Planning be advised accordingly.

carried

25. DISPENSATION OF PLANNING SCHEME PROVISION (BUILDING HEIGHT) –LOT 58 NUTMEG STREET, MOUNT SHERIDAN – DIVISION 3

Peter Boyd 8/20/1-91 : 815351

PEZZUTTI / PLATH

That Council in accordance with Part D, Section 1.6.1 of the Planning Scheme for the Balance of the City of Cairns resolve to approve the application for a dispensation, as shown on Drawings Number 1.04/W6, to allow for the proposed building height for the detached dwelling on land described as Lot 58 on SP153391, Parish of Cairns located at 12 Nutmeg Street, Mount Sheridan.

ADVICE

1. That the applicant be advised that the exterior building colours and materials must be non-reflective and blend with the natural colours of the surrounding environment. Roofs must be of moderately dark to darker shades of green, grey, blue and brown. The colour of the constructed masonry block retaining wall does not comply with the requirements of the Hillslopes Development Control Plan.

carried

THE MEETING CLOSED AT 6.40 pm.

CONFIRMED THIS

DAY OF

2004

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER